

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PATRICIO NUNO CARRERA and
GERALDO MARQUEZ, *on behalf of*
themselves and all others similarly situated,

Plaintiffs,

v.

DT HOSPITALITY GROUP, d/b/a CO BA
RESTAURANT, *et al.*,

Defendants.

**USDC-SDNY
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ELECTRONICALLY FILED
DOC#:
DATE FILED: 12/07/2021**

19-CV-4235 (RA) (KHP)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiffs Patricio Nuno Carrera and Geraldo Marquez brought this action against their employers, Defendants DT Hospitality Group, d/b/a/ Co Ba Restaurant and Kien Truong, for violations of the Fair Labor Standards Act and the New York Labor Law. *See* Dkt. 7. On March 26, 2021, the Court stayed the case as to Defendant Truong and granted Plaintiffs' motion for an entry of default judgment against DT Hospitality. *See* Dkt. 50. The Court then referred this action to the Honorable Magistrate Judge Parker for an inquest into damages and attorneys' fees only against Defendant DT Hospitality. *See* Dkt. 51. Judge Parker issued an initial Report and Recommendation on October 13, 2021, Dkt. 66, to which Plaintiffs objected. *See* Dkt. 67. On November 1, 2021, Judge Parker issued a Corrected Report and Recommendation, addressing Plaintiffs' concerns. *See* Dkt. 69. Before the Court is the November 1, 2021 Corrected Report and Recommendation of Judge Parker (the "Report"), which recommends that Plaintiffs be awarded damages as specified therein. *See* Dkt. 69. Neither party filed objections to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* Report at 36–37 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at *1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)).

As no objections to Judge Parker’s Report were filed, the Court reviews the Report for clear error. After careful consideration of the record, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Plaintiffs are to be awarded damages as set forth in the Report and reiterated below.

For the foregoing reasons, the Clerk of Court is respectfully directed to enter judgment in the amount of \$423,864.56 for Patricio Nuno Carrera and \$437,434.56 for Geraldo Marquez, plus pre-judgment interest to each plaintiff on a principal of \$128,077.28 at an interest rate of nine percent per year from April 19, 2016 to the date of entry of the judgment. Each plaintiff is also to be awarded post-judgment interest, to be calculated from the date the Clerk of Court enters judgment in this action until the date of payment, using the federal rate set forth in 18 U.S.C. § 1961. Finally, Plaintiffs are to be awarded attorneys’ fees in the amount of \$19,750 and the requested amount of costs totaling \$570. The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 67.

Plaintiffs are directed to serve a copy of this Order on Defendant and file proof of service on the docket by no later than December 21, 2021.

SO ORDERED.

Dated: December 7, 2021
New York, New York

A handwritten signature in blue ink, appearing to be 'RA' followed by a long horizontal stroke.

RONNIE ABRAMS
United States District Judge